IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No.4920 of 2007 (O&M)
Date of decision : 27.11.2007

Amrik Singh etc.

… Petitioners

Versus

Kulbir Kaur etc.

…Respondents

Present : Mr.S.S.Chandi, Advocate for the petitioners.
Ms.Arti Vishisht Advocate for Mr.R.S.Bhatia, Advocate for respondent No.4.
Ms.Amandeep Soni, Advocate for respondent No.5.
Ms.Manjali Joshi, Advocate for 1,2,3 and 6.

Vinod K.Sharma, J. (Oral)

This revision petition has been filed against the order dated 28.8.2007 passed by the learned District Judge, Jalandhar, vide which application moved by the applicant-petitioner No.1 for transfer and clubbing of two suits, one pending in the Court of Shri Ashok Kapoor, Civil Judge (Jr.Divn.) Nakodar and other in the Court of Shri Rakesh Kumar, Additional Civil Judge (Sr.Divn.), Nakodar, has been ordered to be dismissed.

The applicant-petitioner filed an application under Section 24 read with Section 151 of the Code of Civil Procedure for clubbing of both the suits and transferring the same to the one and same Court on the ground that the matter involved in both the suits is for specific performance regarding the same land in which similar issues arise for determination.

Learned District Judge has been pleased to dismiss the application by observing that though the agreements to sell pertain to the same land, but different evidence has to be produced for proving those agreements and there is no such similarity between the two suits. This fact is not disputed by the learned counsel for the parties. It is admitted case of the

parties that the scribes as well as witnesses of both the agreements are different and therefore, the learned District Judge was right in dismissing the application moved for clubbing of the two suits, and transfer to one court.

No ground is made out, which may call for interference by this Court in this Civil Revision.

Dismissed.

Vinod K.Sharma]
Judge

23.11.2007

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